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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,679	03/19/2004	Steve Knipfel	S*S 291	8550
30497	7590	08/26/2005	EXAMINER	
FLYNN, THIEL, BOUTELL & TANIS, P.C. 2026 RAMBLING ROAD KALAMAZOO, MI 49008-1631			CONLEY, FREDRICK C	
			ART UNIT	PAPER NUMBER
			3673	

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/805,679

Applicant(s)

KNIPFEL, STEVE

Examiner

FREDRICK C. CONLEY

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-11 and 19-22 is/are allowed.
- 6) ☒ Claim(s) 2-4, 12, 13 and 18 is/are rejected.
- 7) ☒ Claim(s) 5-7 and 14-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

The indicated allowability of claims 4 and 13 is withdrawn in view of the newly discovered reference(s) to U.S. Pat. No. 6,203,085. Rejections based on the newly cited reference(s) follow. The Examiner regrets any inconvenience.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 15-16 recite the limitation "said detent mechanism". There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 12-13, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,203,085 to Ferris in view of U.S. Pat. No. 5,432,966 to Berta et al.

Claims 4 and 13, Ferris discloses an ambulance cot having;

a frame

a load wheel assisting device, comprising:

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a bracket frame (12,13) configured to be fastened to frame the ambulance cot, said bracket frame having first and second vertically spaced axle mountings provided thereon;

an elongate first axle 23 supported on said first axle mounting, said first axle having a first axis extending longitudinally thereof ;

first wheel member 21 of a first diameter supported on said first axle for rotation about said first axis and configured to engage and roll on a floor of a cargo area of the ambulance defining a first horizontal plane;

an elongate second axle 24 supported on said second axle mounting, said second axle having a second axis extending longitudinally thereof;

a second wheel-like member 22 of a second diameter supported on said second axle for rotation about said second axis;

said first axle mounting and said first axis being oriented in a second horizontal plane spaced below a third horizontal plane containing said second axis supported by said second axle mounting (fig. 4), said first wheel member having a first diameter which is less than a second diameter of said second wheel-like member;

said second wheel-like member capable of rotating in response to engagement of a periphery thereof with an edge of the floor of the cargo area upon entry movement of the ambulance cot into the cargo area which inherently lifts the first horizontal plane to a location above any horizontal plane below the axis of wheel if the first horizontal plane is initially oriented below the third horizontal plane, and

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wherein said bracket frame includes a positioning device for releasably holding said second wheel-like member in at least one position relative to said first axis (col. 3 lines 34-42). Ferris fails to disclose a wheel supporting base and an elevating mechanism for varying an elevation of the frame relative to said base. Berta discloses an ambulance cot having a wheel supporting base (30,36,36,42,46,46') and an elevating mechanism (22,22'). It would have been obvious to one having ordinary skill in the art at the time of the invention to employ the wheel supporting base and elevating mechanism as taught by Berta in order to roll the frame of Ferris in and out of a floor of an ambulance.

Claim 2, wherein an amount of the lifting of said second horizontal plane will inherently cause a periphery of said first wheel member 14 to engage/bear upon the edge of the stretcher underframe of the ambulance in a said first horizontal plane, said first horizontal plane intersecting a radius of said first wheel member at a location that is intermediate of a length of said radius.

Claim 3, Ferris, as modified, fails to disclose the intermediate location in the range of 50% to 100% length of said radius measured from said first axis. It would have been obvious to one having ordinary skill in the art at the time of the invention to have the intermediate location in a range of 50% to 100% the length measured from the first axis since it is well known that selecting a given range is an obvious modification and it appears that the intermediate location taught by Ferris would function equally as well. Claims 12 and 18, it is well known for the periphery/tread of a wheel to have a non-smooth surface, and the Examiner takes Official Notice that it would be obvious for a

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person of ordinary skill at the time of the invention to employ a non-smooth surface or tread in order to provide an improved traction for the wheels of Ferris.

***Allowable Subject Matter***

Claims 5-7, 14, 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 8-11 and 19-22 are allowed.

Claims 15-16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FREDRICK C. CONLEY whose telephone number is 571-272-7040. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HEATHER SHACKELFORD can be reached on 571-272-7049. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FC



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